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PATENTS
Attorney Docket No. NTK-005.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Midgley et al.

Serial No. 09/465,436

Filed: December 16, 1999

For: SYSTEMS AND METHODS FOR
BACKING UP DATA FILES

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APR 19 2004

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CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10

- I hereby certify that the following papers:

Appellants' Appeal Brief Under 37 C.F.R. § 1.192(d) (in triplicate) (96 pages);
Petition for Extension of Time Under 37 CFR 1.136(a) (1 page);
Copy of Petition for Extension of Time Under 37 CFR 1.136(a) (1 page);
Fee Transmittal for FY 2004 (1 page);
Copy of Fee Transmittal for FY 2004 (1 page); and
Return Receipt Postcard.

are being deposited with the United States Postal Service on April 13, 2004, with sufficient postage as Express Mail, Express Mail No EV 327715429 US, in an envelope addressed to:

Mail Stop Appeal Brief
Commissioner for Patents
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Alexandria, VA 22313-145.

Shirine M. Darvish
Shirine M. Darvish

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 2,340)

Complete if Known

Application Number 09/465,436

Filing Date December 16, 1999

First Named Inventor Midgley et al.

Examiner Name Shahid Al Alam

Art Unit 2172

Attorney Docket No. NTK-005.01

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METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Other None
Order
 Deposit Account:Deposit
Account
Number

06-1448, Reference: NTK-005.01

Deposit
Account
Name

Foley Hoag LLP

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code (\$) | Fee Code (\$) | Fee Description | Fee Paid |
|---------------------------|----------|---------------|---------------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | 2,010 |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | 330 |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| Other fee (specify) _____ | | | | | |

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 2,340)

**or number previously paid, if greater. For Reissues, see above

| SUBMITTED BY | | Complete (if applicable) | | | |
|-------------------|------------------------|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Kevin A. Oliver | Registration No. (Attorney/Agent) | 42,049 | Telephone | (617) 832-1241 |
| Signature | <i>Kevin A. Oliver</i> | | | Date | April 13, 2004 |

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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